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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,095	07/13/2001	Thomas R. Corrigan	56226US.002	3540

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

[REDACTED] EXAMINER

VALENZA, JOSEPH E

ART UNIT	PAPER NUMBER
3651	

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No. 09/905,095	Applicant(s) CORRIGAN, THOMAS R
	Examiner Joseph Valenza	Art Unit 3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 May 2003.
 - 2a) This action is FINAL. 2b) This action is non-final.
 - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-50 is/are pending in the application.
 - 4a) Of the above claim(s) 4-7, 10-17, 23-26, 29-33, 35-39, 41, 46 and 50 is/are withdrawn from consideration.
 - 5) Claim(s) _____ is/are allowed.
 - 6) Claim(s) 1-3, 8, 9, 18-22, 27, 28, 34, 40, 42-45 and 47-49 is/are rejected.
 - 7) Claim(s) _____ is/are objected to.
 - 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s). _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Claims 4-7, 10-17, 23-26, 29-33, 35-39, 41, 46 and 50 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 5.

These claims were not considered by applicant as being readable on the elected specie.

2. Claims 1-3, 8, 9, 18-22, 27, 28, 34, 40, 42-45 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens in view of Lemelson or Maekawa and Ostwald.

It would have been obvious that the robots 2, 3 (or robotic arms if preferred) of Stephens could have two additional links with an end effector on the last link as taught by links 11, 15 of Lemelson or links (unnumbered vertical column on base 9 and horizontal link 5) of Maekawa. While two robots are discussed in Stephens and applicant has specified three, the number of robots has not been proven to be critical to the operation of the system and is really dependent on the number that the central controller can handle. While the shape of the path has been claimed as circular, the shape of the path has not been proven to be critical to the operation of the system and could in fact be any shape as is possible with Stephens. However, Ostwald teaches that plural robots 12 can independently travel along circular tracks 22. It would have been obvious to add this teaching to the above structure. With regard to claim 18, since the robots are independently controlled, the radially adjustable third links of Lemelson or

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Maekawa could naturally position the end effectors at different radial distances. With regard to claims 27 and 28, the designs of the track and the drive for the first link have not been shown to be critical to the operation of the system and are considered to be functionally equivalent to the designs in the prior art.

3. With regard to the remarks presented on pages 14 and 15 of paper #12, the following should be noted. In line 18 of page 14 of the amendment, applicant argues "a continuous motion robotic device" when the earlier amendment paper # 8 removed the "continuous" motion limitation from the body of claims 1 and 40. Concerning the "robotic arms" verses "robots" issue, if applicant can call an arm unit mounted on a self-propelled body that runs in a closed path a "robotic arm", the armed robots of the prior art can likewise be called "robotic arms".
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any inquiry concerning this communication should be directed to Joseph E. Valenza at telephone number (703) 308-2577. Amendments may be faxed to 703-305-7687. My normal workweek is Monday through Thursday.



JOSEPH E. VALENZA
PRIMARY EXAMINER